

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF MARCH 22, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7),

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk), Anne Patin (Senior Administrative Assistant), Sally Angers (Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation), Keith Thibodeaux (CIO)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of March 22, 2005 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and then lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(027) **ANNOUNCEMENTS**

- A Community Development Briefing to discuss CDBG/HOME and Emergency Shelter Grants programs, and a Police, Fire & Safety Briefing to discuss revising the regulations on selling, handling and consumption of alcoholic beverages in Lafayette Parish, will be held on Tuesday, March 29, 2005 beginning at 5:30 p.m.
- Item 7 (O-061-2005) and Item 8 (O-062-2005) will be deferred at the request of the PZC Director.

(TAPE 1)(SIDE A)(045) Benjamin presented a proclamation to Father McKnight for his involvement and leadership in the church and community.

(TAPE 1)(SIDE A)(123) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

- President Durel recognized Mark Pope, Recycling Supervisor, and Boyd Boswell, Environmental Quality Manager, who gave a brief presentation on “Recycling Day” to be held April 9 from 8:00 a.m. to 2:00 p.m. He also proclaimed April 9th as “Lafayette Recycles Day”.
- Fire Chief Benoit was recognized to give a report of vehicle and station closures within the Fire Department. He assured the public that these closures would not have a negative impact on the fire rating. Anyone who wants to inquire about the closures can call 291-8703, on weekends call 291-8716.

ORDINANCE FOR FINAL ADOPTION – ZONING

(TAPE 1)(SIDE A)(284) AGENDA ITEM NO. 4: O-058-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the official map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. ZON2004-030 Noblemen Lane Annexation, located generally south of Kaliste Saloom Road and Ramblewood Drive, which is located within Lafayette City-Parish Council District No. 7 for voting purposes, and assigning a zoning

classification of R-1-A (Single-Family Residential), motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Williams

ABSENT: None

ABSTAIN: None

Motion was approved.

Upon questioning by Benjamin, Richard Becker, Assistant City-Parish Attorney, explained that annexation of the property in question would not change the status of a private road. In this particular case, there is a maintenance and use agreement in existence between all the private homeowners on that road to take care of the road.

Jim Parker, Zoning Coordinator, explained that the Zoning Commission and Planning, Zoning & Codes staff recommended approval of the annexation and assignment of R-1-A.

(TAPE 1)(SIDE A)(389) AGENDA ITEM NO. 5: O-059-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the official map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. ZON2004-031 Millcreek Cove/Boulder Creek Phases I & II Annexation, located generally north and south of Millcreek Road, west of Verot School Road, and south of Vincent Road, which is located within Lafayette City-Parish Council District No. 9 for voting purposes, and assigning a zoning classification of R-1-A (Single-Family Residential), motion to adopt by Conque, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously approved.

Parker explained that this is an annexation off of Verot School Road, on Millcreek. Millcreek Cove is a subdivision that is generally south of Millcreek Road and is currently under construction. Boulder Creek is a subdivision generally between Millcreek and Vincent Road. Phase I of that subdivision has received final plat approval and there are several houses under construction now. The total annexation area is approximately 64 acres. The Zoning Commission recommends approval and assignment of R-1-A.

(TAPE 1)(SIDE A)(424) AGENDA ITEM NO. 6: O-060-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify the property of William P. Mills, III Case No. ZON2005-003 South College Medical Center, LLC Property Rezoning, located at 913 South College Road from B-1-M (Business-Medical) to B-1-O (Business-Office), motion to adopt by Menard, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously approved.

Denise Womack, Zoning Manager, explained that this property is not quite three acres on South College Road. It is currently developed as an office building and is zoned for medical office-type use. The owner of the building has requested rezoning to office use, which is more restrictive than the medical office use. The Zoning Commission is recommending approval.

(TAPE 1)(SIDE A)(473) AGENDA ITEM NO. 7: O-061-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the City of Lafayette Subdivision Regulations to establish the Louisiana Avenue Zoning and Development Overlay District, Case No. ZON2005-005 Louisiana Avenue Zoning and Development Overlay District. *Item was deferred at the request of the Planning, Zoning and Codes Director.*

(TAPE 1)(SIDE A)(473) AGENDA ITEM NO. 8: O-062-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance so as to reclassify certain properties having frontage on Louisiana Avenue, Case No. ZON2005-004 Louisiana Avenue Comprehensive Property Rezoning, located generally east and west of Louisiana Avenue, from north of East Willow Street to north of East Pont Des Mouton Road, from R-1-A (Single-Family

Residential), R-1-B (Single-Family Residential), R-1-C (Single and Two-Family Residential), R-2 (Multi-Family Residential), and R-3 (Mobile Home Park), to R-1-B (Single-Family Residential), B-N (Neighborhood Business), B-T (Transitional Business), and B-G (General Business). *Item was deferred at the request of the Planning, Zoning and Codes Director.*

(TAPE 1)(SIDE A)(476) AGENDA ITEM NO. 9: **REPORTS AND/OR DISCUSSION ITEMS**

(TAPE 1)(SIDE A)(478)

- a. Status of work on Brookhollow Drainage.

Carroll reported that he had just met on-site with two of the property owners, who requested that the area in question be allowed to dry before work begins so as to not cause any more damage. One owner has rejected the possibility of signing a servitude, although three other property owners have asked to meet with Public Works. Work is scheduled to begin in April.

Menard then stated that he was in receipt of a memo from Bill Flanagan regarding residents along Isaac Verot Coulee. Work was being suspended on this project because there were 6 or 7 property owners refusing to sign the rights of way. He then requested that Carroll look into using the "Drainage Ordinance" on this situation and to report back to him.

(TAPE 1)(SIDE A)(517)

- b. Update on the drainage and culvert issues on Windrush Lane.

Carroll reported that work is scheduled to begin in April. There are eight culverts and driveways that need to be replaced. Public Works is waiting for drier weather to begin.

(TAPE 1)(SIDE A)(532)

- c. Bendel/ Marguerite Road intersection problems.

Mouton explained that there is a dangerous situation at the intersection of Bendel Road and Marguerite. Several serious accidents have occurred or nearly occurred.

Tramel responded by referring to a study done by the Traffic & Transportation Department showing the decrease in accidents at this intersection after installation of a strobe to the red light in 2000. In 2002, flashers were installed on each approach and accidents significantly decreased. In the last couple of weeks, additional clearance intervals have been placed at this particular location. A meeting was held with Mr. Haynie, resident of Bendel Gardens, to discuss the possibility of moving his fence.

The following individuals were recognized:

Gerald Gaudet began by telling the Council of three accidents at that intersection in the last couple of weeks, two of which he was involved in. He stated the problem is one can not see when coming out of Bendel Gardens. He then suggested a "No Left Turn" when coming out of Bendel Gardens.

Mouton then requested that Major Randy Simon have traffic monitoring at this intersection especially in the morning.

Norris Landry began by commending Tony Tramel for his efforts on this issue. He then suggested that speed bumps be placed on Bendel Road, requested that Beverly Drive be overlaid and requested stop signs along Beverly Drive.

Denise Andrade passed.

(TAPE 1)(SIDE B)(030)

- d. Beverly Drive speeding.

Mouton stated that there was significant speeding on all streets in Bendel Gardens but particularly so on Beverly Drive. He then requested a Request for Service be entered requesting the Traffic Calming Program for Bendel Gardens Subdivision. He asked that Norris Landry and Denise Andrade be sent a copy of the request.

The following individuals were recognized:

Denise Andrade, resident of Beverly Drive, stated there was speeding by residents, guests and, in particular, school buses. There are no speed limit signs on Beverly until one gets to the Pinhook side of the subdivision. When she called the Police Department, Sgt. Firmin responded immediately by sending out a patrolman.

Norris Landry asked why speed bumps were not placed in the subdivision.

(TAPE 1)(SIDE B)(095)

- e. Update on number of parking tickets issued in downtown area.

Benjamin stated that he was requesting the number of tickets issued for individuals violating the ordinance regarding public rights-of-way. Ottinger stated he could not speak to tickets being issued but he had been in consultation with the relevant departments on the use of the public rights of way for conducting business and they are looking into the situation. Tramel explained that the ordinance stated “it is illegal to park a vehicle on the public right-of-way and conduct business”. Ottinger concurred with Tramel. Benjamin requested that Ottinger bring the ordinance back and make the ordinance more comprehensive because no one should be conducting business on public rights of way.

President Durel spoke for the business owners in the downtown area reminding that those owners pay rent or bank notes, they employ people, they follow all the proper procedures, they conduct their businesses on private property and they revitalize the downtown area. On the other hand, itinerant vendors work from the side of the road, drive into town from wherever, compete with local merchants and then they sell all their wares for cash and go home. He asked that the Council keep this in mind as they make their decision on this issue.

(TAPE 1)(SIDE B)(232)

- f. Update on Federal Train Regulations with reference to quiet zones.

Ottinger stated that the Federal Railroad Association has a rule pending which would authorize local authorities to set up “quiet zones”. This rule has been postponed for a vote until April, with an effective date of June, 2005. He added that “quiet zones” could only be railroad crossings that have signals and gates and with the understanding that safety is not jeopardized by going to a “quiet zone”. Tramel added that the cost for signals and gates per intersection is approximately \$500,000 and would be done at the expense of LCG.

Williams requested that this issue be placed on a May agenda.

Conque thanked Denise Marceaux for bringing this to his attention. In anticipation of the April final rule from the Federal Railroad Administration, Conque requested the following: 1) to identify crossings in the City of Lafayette as to whether or not they are City responsibility, State responsibility or combined; 2) at each crossing, identify what would be required to meet the criteria that has been established as of today by the FRA; and 3) a definition of “quiet zones” versus “whistle bands”. Tramel agreed to obtain the information.

Badeaux requested that Tramel research the cost of placing signalization at railroad crossings. He felt the \$500,000 price tag might be bogus.

The following individual was recognized:

Denise Marceaux thanked the Council for looking into this issue and pursuing the quiet zones and whistle bands.

(TAPE 1)(SIDE B)(428)

- g. Nuisance abatement update.

Marcus Bruno, Criminal Justice Support Services Manager, explained that notices were issued to the following locations: 1025 9th St., 1026 9th St., Frontage Road Hotel, The

Gentlemen's Club at the Frontage Road Hotel, the old Laura's Café on Voorhies, and Bonnet's Grocery on Madeline and St. Antoine. Bruno continued that once the notice is served, he has to meet with the establishments to discuss the nuisance and then the judge will rule. Anyone wishing to report a nuisance can call 291-8340. Williams urged the department to move as quickly as possible to close these establishments.

Conque stated that the Citizen Action Group, headed by Joe Dennis, is addressing bars that have been grandfathered and exist within residential areas. He requested that Bruno conduct research to work around the grandfather clause that allows these bars to continue operating in a residential area.

(TAPE 1)(SIDE B)(746)

h. Neighborhood Housing Services return to the Lafayette community.

Lewis explained that the Neighborhood Housing Services program could be reinstated in Lafayette. Requirements include the organization being a ChoDo and they would need to have a board. No one has contacted the Community Development Department yet. Williams urged local organizations to apply.

Benjamin stated he would not support neighborhood housing, due to past experience, unless the following happens: 1) that it is established in the Department of Community Development at an administrative level; 2) that scheduled monitoring reports be given to the Council prior to a vote; 3) annual audits; and 4) that the project be open-bid to local craftsmen and set-asides in the community. Lewis suggested that once Community Development has an organization to work with, LCG could sit down with the Neighborhood Reinvestment Corporation and people at the State level to work through and put certain mechanisms in place. Williams rebutted that this program needs to be placed back into the neighborhoods and requested that Lewis send to the Council the process for neighborhood housing and who to call to apply.

COMMENTS FROM THE PUBLIC

(TAPE 1)(SIDE B)(137) AGENDA ITEM NO. 10: Comments from the public on other matters.

The following addressed the Council:

Harold Arceneaux, of the President's Awareness Committee, addressed the Council regarding problems with the newly formed committee.

Williams asked that Arceneaux list what he perceived to be the deficits. Arceneaux stated the following:

- Meeting one hour a month is not enough time to address the numerous problems of the disabled.
- To involve all departments of LCG with the committee
- Lack of interest of the committee members

Williams stated that the committee had just had a little over four months together and he encouraged Arceneaux not to be discouraged and to continue to communicate these issues to the Council.

Ben Berthelot, Assistant to the Lafayette City-Parish President, explained that the committee was charged with meeting quarterly. In their first meeting, the Committee decided to meet once a month, but he would place this request on the next Committee agenda.

Shelby Williams addressed the Council regarding closure of fire stations; a previous request for a budget for a feasibility study for Fiber to the Home in which no answer was given; status of adjudicated properties; status of shopping cart ordinance; appreciated the fact that the City-Parish President, along with several directors, would appear on AOC on Mondays to discuss the Fiber to the Home project.

There being an objection by Broussard for Williams to continue speaking, the Chair called for a vote, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Conque, Mouton, Stevenson, Menard

NAYS: Broussard

ABSENT: None

ABSTAIN: None

Motion was approved.

Williams continued that the Council was inconsistent with time allowed for individuals wishing to address the Council, in particular, Judge Saloom and Mary Ann Vicaro being allowed to speak more than 3 minutes; complained that CAO Dee Stanley refused to answer a question posed by him.

Menard asked Williams if he and Wallace Senegal brought proof to back an accusation they had made against Menard at the last meeting. Williams answered there are so many meetings that it will take time but he would provide it.

Andy Hebert continued his presentation on his City of Lafayette property taxes, in particular, a lien against his personal property. Having tried to pay the property tax with a personal check, he was refused. When called by Andrew Duhon, Customer Service & Support Service Manager, he was told that the check could not be accepted because by the time the check is cashed, the holder of the lien had already earned interest

There being an objection by Broussard for Hebert to continue speaking, the Chair called for a vote, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Conque,

NAYS: Badeaux, Broussard, Menard

ABSENT: Mouton, Stevenson

ABSTAIN: None

Motion failed.

Wallace Senegal began by stating he did not say he had Mr. Menard on tape. He had simply heard Menard's statement. He then asked Councilmember Benjamin if he had an update on the renaming of the Evangeline Thruway or Louisiana Avenue to Martin Luther King Drive. Benjamin stated that Eleanor Bouy, Director of Planning, Zoning & Codes, and President Durel are considering this issue.

George Bentley addressed the Council regarding community oversight of the Lafayette Police Department.

ADJOURN

(TAPE 1)(SIDE B)(708) There being no further business to come before the Council, Chair Menard declared the Regular Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL